

OA 91 Criminal Complaint

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA
V.
ALONSO ANGEL CALERO LOPEZ

CRIMINAL COMPLAINT

Case Number: _____

(Name and Address of Defendant)

Filed
JAN 18 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

08 70029

HRL

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about Sept. 4, 2007 - Jan. 11, 2008 in Santa Clara County, in the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

engage in the business of importing, manufacturing or dealing in firearms without a license.

in violation of Title 18 United States Code, Section(s) 922 (a)(1)(A)

Penalties: Maximum 5 years imprisonment; Maximum \$250,000 fine; Maximum 1 year supervised release; \$100.00 special assessment

Requested Bail: No Bail (government will request detention)

Requested Process: Arrest Warrant

I further state that I am a(n) Specail Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:
PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Approved

As To THOMAS M. O'CONNELL
Form: AUSA

Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

1/18/08

at

San Jose, California

City and State

HOWARD R. LLOYD

U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

DOCUMENT NO.	CSA's INITIALS
1	e
DISTRICT COURT CRIMINAL CASE PROCESSING	

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

AFFIDAVIT

I, Ronald T. Marino, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the San Francisco Division, San Jose Resident Agency, being duly sworn, depose, and say:

Agent Background

1. I have been employed as Special Agent(SA) of the FBI for over ten years. Currently, I am assigned to investigate Asian criminal enterprises, violent gangs, fugitive apprehension matters, extortions, and other violent criminal matters. As a federal law enforcement officer, I am also responsible for enforcing violations of Title 18 United States Code section 922(a)(1)(A), engaging in the business of importing, manufacturing, or dealing in firearms without a license.

Summary

2. This affidavit is submitted in support of an application for a complaint and arrest warrant for ALONSO ANGEL CALERO LOPEZ, date of birth August 2, 1960, hereafter referred to as LOPEZ.

3. The information contained within this affidavit are facts obtained by myself and other agents of the San Jose Resident Agency of the FBI, the Bureau of Alcohol, Tobacco and Firearms (ATF), as well as the San Jose Police Department and the Santa Clara Police Department, which include witness

1 interviews, oral and written reports from law enforcement
2 officers involved in the investigation, a review of public
3 source information, and records obtained as a result of legal
4 process. Because this affidavit is for the purpose of
5 setting forth probable cause, I have not included every fact
6 known to me or developed through this investigation.

7 4. Based upon information presently available and
8 believed to be reliable, there is probable cause to believe
9 that LOPEZ has committed criminal acts in violation of Title
10 18 United States Code section 922(a)(1)(A). Section
11 922(a)(1)(A) makes it illegal for any person, except a
12 licensed importer, licensed manufacturer, or licensed dealer,
13 to engage in the business of importing, manufacturing, or
14 dealing in firearms, or in the course of such business to
15 ship, transport, or receive any firearm in interstate or
16 foreign commerce.

17 5. In January 2007, the San Jose and Santa Clara
18 Police Departments initiated a store front sting operation,
19 Operation Meltdown. The focus of the operation was to target
20 the rising number of copper thefts in Santa Clara County.
21 The store front, "Jose Clara COOP", located at 401 Martin
22 Avenue, Santa Clara, California, posed as a metal recycling
23 business that specialized in copper. The business attracted
24 not only copper thieves, but a variety of other career
25 criminals. Undercover officers posed as workers within the
26 shop and interacted with the criminals. During the course of
27 the sting, undercover officers purchased copper, illegal
28 narcotics, dangerous weapons and stolen items which included

1 tools, electronics and vehicles. All transactions inside
2 Jose Clara were digitally recorded and documented. Each cash
3 transaction for contraband, property and metal was documented
4 and all items were photographed.

5 Factual Background

6 6. On September 4, 2007, Salvador TORRES, date of birth
7 2/14/80, entered the "JOSE CLARA COOP" and sold undercover
8 officers an Intratec, model AB-10, 9mm semi-automatic pistol,
9 with serial number A053256. LOPEZ subsequently told the
10 undercover officers that this firearm came from him.

11 7. On September 5, 2007, TORRES sold the undercover
12 officers a JC Higgins Model 50 Rifle with serial number 11172.
13 TORRES also sold the undercover officers a Remington 1100 12
14 gauge shotgun with serial number M99051M to undercover
15 officers. LOPEZ subsequently told the undercover officers that
16 these firearms came from him.

17 8. On September 26, 2007, two individuals, TORRES and
18 Luis MEDINA, date of birth 3/21/70, sold one RUMARM AK-47 with
19 serial number AE-4249-80, two STAR, model SUPER, 9mm pistols
20 with serial numbers 1233195 and 1234104, and a COBRA Model CA-
21 380, handgun with serial number CPO35883. LOPEZ subsequently
22 told the undercover agents that these weapons came from him.

23 9. On September 28, 2007, Salvador Torres sold six
24 weapons to the undercover agents at the storefront location.
25 The weapons included a Beretta Model 925, 9mm pistol, with
26 serial number B57112Z, a COBRAY Model CA-380, MAC-11, 9mm
27 handgun, with serial number 89-0007788, a Smith and Wesson
28 Model MAG, .357 handgun, with serial number CJF0086, a

1 Mossberg, Model 88, 12 GAUGE Shotgun, with serial number
2 MV521851, a Chinese, SKS rifle, with serial number 12155642,
3 and a RUMARM, Model GP-WASR-10163, AK47 rifle, with serial
4 number AE-4503-80. LOPEZ later admitted the weapons, destined
5 for the storefront location, came from him. After this meet,
6 law enforcement surveillance observed Torres return to his
7 home and meet LOPEZ.

8 10. In a meeting between the undercovers and TORRES on
9 September 30, 2007, LOPEZ was introduced to the undercover
10 officers. LOPEZ stated that he had access to all sorts of
11 weapons and that one of his gun connections was presently in
12 Mexico. In that same meeting LOPEZ told the undercover
13 officers that he was the person that provided all the firearms
14 to TORRES that TORRES sold to the undercover officers and that
15 he test fired all the firearms personally to make sure that
16 they worked properly.

17 11. On October 1, 2007, LOPEZ, along with TORRES, sold
18 six weapons to the undercover officers at the storefront
19 location. The weapons included three Beretta, Model 92S, 9mm
20 pistols, with serial numbers BER407953, BER468174, and
21 BER460174, a Taurus model PT385 pistol, with serial number
22 LAM99813, a Taurus model PT38 pistol, with serial number
23 LYG05556, and a Vulcan ARMS, model V15, rifle, with serial
24 number P00850. LOPEZ negotiated a price of \$6000.00 dollars
25 for the six firearms.

26 12. On October 31, 2007, LOPEZ sold the undercover
27 officers three weapons, which included one Beretta, model 92FS
28 9mm pistol, with serial number BER366797, a Beretta, Model 96D

1 .40 caliber pistol, with serial number A13105M, and DPMS
2 Panther Arms AR-15 rifle with serial number F073689. LOPEZ
3 negotiated a price of \$1800.00 dollars for the rifle and
4 \$2000.00 dollars for both handguns.

5 13. On November 13, 2007, LOPEZ sold the undercover
6 officers two rifles, which included a Yugo, model M59/56, SKS
7 rifle, with serial number 1-351692 and a Winchester Model 70
8 rifle, with serial number G1794326. LOPEZ negotiated a price
9 of \$2000.00 dollars for both firearms.

10 14. On December 4, 2007, LOPEZ sold a ROMARM, model PSL-
11 54C rifle, with serial number 1-6671-80RO for \$2600.00 dollars
12 and then asked the undercovers whether they would like to
13 purchase AK47's by the lot. LOPEZ told the undercovers that if
14 he could get his hands on 20 AK's he could sell them for
15 \$800.00 dollars a piece.

16 15. On December 13, 2007, LOPEZ sold three weapons to
17 the undercover officers at the storefront location, which
18 included a COBRA, model CA-380 handgun, with serial number
19 CPO37255, Smith and Wesson .357 Magnum revolver, with serial
20 number BFR6773, and a Norinco SKS rifle, with serial number
21 11019857. The negotiated price for all three weapons was
22 \$2200.00 dollars.

23 16. On December 28, 2007, LOPEZ sold the undercover
24 agents a Luger, Model AR9 9mm semiautomatic rifle, with serial
25 number 200316 to the undercover officers at the storefront
26 location.

27 17. On January 8, 2008, LOPEZ sold the undercover
28 officers a COBRAY, M11, 9mm semiautomatic pistol, with serial

1 number 85-0001050, at the storefront location.

2 18. On January 11, 2008, LOPEZ sold the undercover
3 officers three RUMARM, model G WASR, AK-47 rifles, with serial
4 numbers AE-2281-83, A0-0654-68, and SCE-4850-87 at the
5 storefront location. The undercover officers paid LOPEZ
6 approximately \$1800.00 dollars on January 11 and then another
7 \$2000.00 dollars on January 16, 2008 for the firearms.

8 Other Investigation

9 19. On January 16, 2008 Bureau of Alcohol, Tobacco,
10 Firearms and Explosives (ATF) Special Agent Thomas Cunningham,
11 a federally recognized expert in the identification and
12 manufacture of firearms, examined the characteristics of the
13 aforementioned thirty-three (33) firearms and determined that
14 the firearms were not manufactured in the State of California,
15 therefore have traveled in interstate commerce.

16 20. On January 14, 2008, ATF Special Agent Robert
17 Patrizi caused a query of the ATF National Licensing Center.
18 SA Patrizi informed your affiant that the National Licensing
19 Center has no record that ALONSO ANGEL CALERO LOPEZ is
20 licensed to be engaged in the business of dealing firearms
21 either as a manufacturer, importer, or dealer.

22 21. Out of the thirty-three (33) firearms sold to the
23 undercover officers by LOPEZ, at least eight of them were
24 purchased by an individual named David BOVINO, date of birth
25 July 9, 1986, according to a firearms trace based upon serial
26 numbers conducted by SA Patrizi through the ATF National
27 Tracing Center. BOVINO purchased the eight firearms in Nevada
28 and within days, LOPEZ sold the firearms to the undercover

1 officers (six of the firearms were sold to the undercovers by
2 LOPEZ within 3 days of the BOVINO purchase and the other two
3 firearms were sold to the undercovers by LOPEZ within 13 days
4 of the BOVINO purchase).

5 Conclusion

6 22. ALONSO ANGEL CALERO LOPEZ has sold the undercover
7 officers thirty (33) weapons over the course of approximately
8 four months, twenty (20) of them face to face and the others
9 through TORRES and MEDINA. On each occasion LOPEZ sold
10 firearms to the undercover officers and received US currency
11 in exchange.

12 23. Affiant also respectfully requests that this
13 complaint be sealed until the execution of the arrest warrant
14 or further order of the court, as this investigation remains
15 ongoing and for purposes of officer safety.

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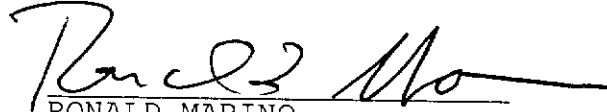
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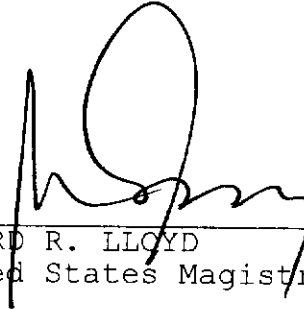
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1 Based upon the foregoing information, I respectfully
2 request that the court issue a criminal complaint and arrest
3 warrant for ALONSO ANGEL CALERO LOPEZ for violating Title 18
4 United States Code section 922(a)(1), engaging in the business
5 of importing, manufacturing, or dealing in firearms without a
6 license.

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8 RONALD MARINO
9 Special Agent
10 Federal Bureau of
Investigation
San Jose, California

11 Subscribed and sworn to before me
12 this 18 day of January 2008.

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16 HOWARD R. LLOYD
17 United States Magistrate Judge
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